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COMMITTEE ON THE RIGHTS OF THE CHILD

Seventh session

SUMMARY RECORD OF THE 169th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 5 October 1994, at 10 a.m.

Chairperson: Mr. HAMMARBERG

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GE.94-19234 (E)

The meeting was called to order at 10.20 a.m.

METHODS OF WORK OF THE COMMITTEE (agenda item 9) (continued)

Overview of reporting procedures

1. The CHAIRPERSON invited the Committee to consider the draft "Overview of the reporting procedures", prepared by Mr. Kolosov and a number of other members, including himself. Recalling that the Committee on Economic, Social and Cultural Rights had adopted a similar document, he said that it was intended as an authoritative, informative and simple description of the Committee's work, notably in relation to reporting by States parties.

2. Mr. KOLOSOV said that, in his opinion, the time was more than ripe for the adoption of such a document and suggested that the contents of the overview should be considered paragraph by paragraph.

3. Miss MASON asked how and when the document, once adopted by the Committee, would be circulated.

4. Mr. KOLOSOV suggested that in the first instance it should be addressed in the form of a circular letter to each State party. At some future date, when a compilation of the Committee's basic texts was prepared for wide dissemination, the overview should be included among them.

5. The CHAIRPERSON suggested that the text, as adopted, should be annexed to the report of the Committee on the current session, that it be made available for the meeting with representatives of the missions in Geneva due to be held in a few days' time, and that it be addressed by the Centre for Human Rights to all States parties.

6. Mrs. EUFEMIO further suggested that it should be incorporated in the section on the Committee's work in the revised "Manual on human rights reporting".

7. Mrs. SANTOS PAIS said the fact that the overview would be annexed to the Committee's report to the General Assembly might obviate the need for a special mailing to all States parties. On the other hand, it should also exist in a separate practical form for transmission to, and consultation by, States parties for use in conjunction with the submission of their reports to the Committee.

8. She inquired about progress in the announced revision of the "Manual on human rights reporting" and any input from the Committee in that connection. In her view, it was essential, in consultation with the Centre for Human Rights, to press for the inclusion of a chapter on the manner in which the Committee, on the basis of its experience so far, including field visits, viewed the implementation of the Convention.

9. The CHAIRPERSON invited the Committee to consider the title, subtitle and first two paragraphs of the draft overview, which read:

"OVERVIEW OF THE REPORTING PROCEDURES

A working document adopted by the pre-sessional Working Group of the Committee on the Rights of the Child, April 1994

1. The Committee on the Rights of the Child met for the first time in 1991, soon after its 10 members had been elected by the States parties' meeting. Already from the very beginning the Committee started devising appropriate working methods aimed at an effective and constructive contribution to the implementation of the United Nations Convention on the Rights of the Child. The methods have been developed and refined, but largely been based on the same original approach.

2. The following overview is designed to make the current procedures more transparent and readily accessible to States parties and others interested in the implementation of the Convention, including United Nations agencies and other competent bodies such as non-governmental organizations."

Title and subtitle

10. The CHAIRPERSON observed that the descriptive subtitle needed to be amended.

11. After a discussion in which Miss MASON, Mrs. EUFEMIO, Mr. KOLOSOV and Mrs. SANTOS PAIS took part, the CHAIRPERSON suggested that the document, when finally approved, might be entitled "Overview of the reporting procedures, adopted by the Committee on the Rights of the Child at its seventh session, on ... October 1994".

12. It was so agreed.

Paragraphs 1 and 2

13. Miss MASON proposed the deletion, as both superfluous and ungrammatical, of the word "Already" from the beginning of the second sentence in paragraph 1.

14. It was so agreed.

15. Mgr. BAMBAREN GASTELUMENDI proposed that in the final sentence of paragraph 1 the word "but" should be replaced by "and".

16. The CHAIRPERSON suggested that the sentence should be reworded to read: "The methods have largely been based on the same original approach, which has been developed and refined."

17. It was so agreed.

18. Paragraph 1, as amended, and paragraph 2 were approved.

19. The CHAIRPERSON invited the Committee to consider section A of the draft, which read:

"A. General guidelines for reporting

3. The Committee has aimed at structuring the reporting process and the dialogue with the State party in such a way that issues of principal concern are dealt with in a methodical and informative manner. For this purpose the Committee has prepared guidelines regarding the form and content of initial reports to be submitted by States parties under article 44, paragraph 1 (a), of the Convention. These guidelines are public and have been disseminated to all States parties concerned. The Committee strongly recommends all States parties to report to it in accordance with the guidelines and in a thorough and timely manner.

4. The guidelines request that the reports contain relevant legislative, judicial, administrative and other information, including statistical data, to give the Committee a good basis for its analysis. States parties are requested to give information about 'factors and difficulties encountered' and 'progress achieved'. 'Implementation priorities' and 'specific goals' for the future are also asked for.

5. To facilitate a more structured discussion, the guidelines group the articles according to content and in a logical order:

(i) General Measures of Implementation (arts. 4, 42 and 44.6);

(ii) Definition of the Child (art. 1);

(iii) General Principles (arts. 7, 8, 13-17 and 37 (a));

(iv) Civil Rights and Freedoms (arts. 7, 8, 13-17 and 37 (a));

(v) Family Environment and Alternative Care (arts. 5, 18.1, 18.2, 9, 10, 27.4, 20, 21, 11, 19, 39 and 25);

(vi) Basic Health and Welfare (arts. 6.2, 23, 24, 26, 18.3, 27.1, 27.2 and 27.3);

(vii) Education, Leisure and Cultural Activities (arts. 28, 29 and 31);

(viii) Special Protection Measures:

(a) Children in situations of emergency (arts. 22, 38 and 39);

(b) Children in conflict with the law (arts. 40, 37 and 39);

(c) Children in situations of exploitation (arts. 32, 33, 34, 35, 36 and 39);

(d) Children belonging to a minority or an indigenous group (art. 30).

This list also forms the agenda for the discussions with States parties.

6. The guidelines mentioned above relate to the initial reports which should be submitted within two years after the Convention has entered into force for the State party concerned. Another set of guidelines will be issued for the submission of the forthcoming periodic reports every five years' the first of which are due in September 1997."

Paragraph 3

20. Mrs. SANTOS PAIS, supported by Mrs. EUFEMIO, proposed that the general guidelines prepared by the Committee should be specifically identified at an appropriate point by their document symbol number (CRC/C/5).

21. It was so agreed.

22. The CHAIRPERSON, replying to a question from Mrs. EUFEMIO, suggested that the inclusion of a reference to the explanatory commentary on the guidelines might be discussed when the Committee had completed its consideration of the overview.

23. Paragraph 3, as amended, was approved.

Paragraph 4

24. Miss MASON suggested that the words "asked for" in the final sentence of the paragraph should be replaced by "requested".

25. It was so agreed.

26. Mrs. SANTOS PAIS said that a note of caution was perhaps called for with regard to the simplification, however well-intentioned, of legally binding or significant texts. Such simplification (she had in mind the statement, in paragraph 4, that the guidelines called for "relevant legislative, judicial, administrative and other information" in reports) might translate the requirements under the Convention into more accessible language, but it should not inadvertently suggest a dilution of the requirements themselves and thereby encourage "minimal" reporting. The overview should, she insisted, be considered by States parties in conjunction with, and not as a substitute for, the Convention and the guidelines.

27. The CHAIRPERSON suggested that further thought might be given to the text of paragraph 2, which set out the purpose of the overview, in the light of those remarks.

28. On that understanding, paragraph 4 was approved.

Paragraph 5

29. Mrs. EUFEMIO, supported by Mrs. SANTOS PAIS, suggested, for the sake of consistency with the text of the guidelines, that in paragraph 5 the wording of (viii) (c) should be amended to read "Children in situations of exploitation, including physical and psychological recovery and social reintegration."

30. Mr. KOLOSOV agreed that consistency was desirable, but observed that the subject of rehabilitation was also relevant to (viii) (a) and (viii) (b). His own view was that the wording of the paragraph should either be retained as drafted, on the assumption that rehabilitation measures would form part of the special protection measures as appropriate, or be completely recast to make it more explicit.

31. Miss MASON suggested that the contents of paragraph 5 should be further scrutinized by the secretariat to ensure that all the references to articles of the Convention were accurate and appropriate.

32. On that understanding, paragraph 5, as amended by Mrs. Eufemio, was approved.

Paragraph 6

33. Miss MASON proposed the deletion of "forthcoming" from the penultimate line of paragraph 6.

34. Mgr. BAMBAREN GASTELUMENDI inquired whether mention should not be made in that paragraph of the possibility of requesting further information in the form of additional reports.

35. The CHAIRPERSON observed that the subject of requests for further information was dealt with later in the text. The previous speaker's question might be taken up when that point was reached.

36. On that understanding, paragraph 6, as amended by Miss Mason, was approved.

37. The CHAIRPERSON invited the Committee to consider the first part of section B of the text which read:

"B. Examination of States parties' reports

Work of the pre-sessional working group

7. Discussions of a State party report with government representatives are prepared by a working group meeting. The working group normally meets immediately after one session to prepare for the next one. All 10 Committee members are invited to the pre-sessional meeting, which takes place about two months before the session. These meetings are not open to the public and no formal records are taken. The working group reports directly to the forthcoming session, during which the decisions will be recorded.

8. The principal purpose of the working group is to identify in advance the most important issues to be discussed with the representatives of the States. The intent is to give advance notice to the States parties of the principal issues which might arise in the examination of the reports. The Convention on the Rights of the Child is broad-ranging, comprehensive and complex; the possibility for government representatives to prepare in advance their answers to some of the principal questions is likely to make the discussion more constructive.

9. The Secretariat prepares country files for the pre-sessional working group, containing information relevant to each of the reports to be examined. For this purpose the Committee invites relevant United Nations bodies and specialized agencies, non-governmental organizations and other competent bodies to submit appropriate documentation to the secretariat. Some of the information is included in the country analysis documents; other information is placed in relevant files which are at the disposal of Committee members during the sessions.

10. Special emphasis is placed on the importance of receiving relevant documentation from bodies and agencies within the United Nations system, such as UNICEF, ILO, WHO, UNHCR, UNESCO, UNDP and the World Bank, and from non-governmental organizations, both domestic and international. Such contributions are of importance also in regard to discussions about technical advice and assistance in the light of article 45 (b) of the Convention.

11. Representatives of the United Nations bodies and agencies take part in the meetings of the working group and give expert advice. The working group may also invite representatives of other competent bodies, including non-governmental organizations, to provide information.

12. The working group draws up a list of issues which is sent to the respective Government through diplomatic channels. In order to facilitate the efficiency of the dialogue, the Committee requests the State party to provide the answers to its list of issues in writing and in advance of the session, in time for them to be translated into the working languages of the Committee.

13. An invitation to the forthcoming session of the Committee is further sent to the State party, indicating the date, time and venue for the planned discussion."

Paragraph 7

38. Mrs. SANTOS PAIS questioned the necessity of the final sentence of paragraph 7, which appeared to state what might be taken for granted.

39. Mr. KOLOSOV, pointed out that approval by the Committee was required of any decision taken by a working group.

40. Mrs. SANTOS PAIS said that the sentence raised two points: (1) the procedure adopted for the preparation of discussion on a State party report, for which the working group prepared a list of issues; and (2) whether there

was a need for working group decisions to be formally adopted by the Committee. The second point lay outside the framework of the text currently being considered.

41. Mr. KOLOSOV drew attention to the hypothetical situation where a working group came to the conclusion, after reading a State party report, that that State should be requested to submit a new report. The working group should undoubtedly submit such a serious matter to the Committee for a decision.

42. The CHAIRPERSON said that while the extent of the working group's authority might need some clarification, the text as it stood seemed acceptable and could therefore be retained.

43. Miss MASON suggested that the last sentence of the paragraph should be amended to read: "Any decisions by the working group are reported at the next plenary session".

44. Mgr. BAMBAREN GASTELUMENDI proposed that the figure "10" should be deleted from the third sentence of the paragraph, and that the last part of the same sentence should be amended, as pre-sessional meetings did not take place two months before the session as stated.

45. Mr. KOLOSOV endorsed the proposal to delete "10" and suggested that the sentence should begin: "All members of the Committee ...".

46. The CHAIRPERSON said he took it that the Committee wished to approve that amendment and to delete the words "which take place about two months before the session".

47. Paragraph 7, as amended, was approved.

Paragraphs 8 and 9

48. Paragraphs 8 and 9 were approved.

Paragraphs 10 and 11

49. In response to a suggestion by Mgr. BAMBAREN GASTELUMENDI that reference should be made in paragraph 10 to the United Nations High Commissioner for Human Rights, the CHAIRPERSON proposed that such a reference should be included elsewhere in the text.

50. Mgr. BAMBAREN GASTELUMENDI asked whether it was necessary in paragraph 10 to specify names of bodies and agencies within the United Nations system.

51. Miss MASON expressed the opinion that it was useful to name some of those bodies and agencies and supported the wording as it stood.

52. Mrs. EUFEMIO also supported the retention of the names of bodies and agencies, it being understood that they were not exclusive.

53. Paragraphs 10 and 11 were approved.

Paragraphs 12 and 13

54. Mgr. BAMBAREN GASTELUMENDI, referring to paragraph 12, suggested that the word "requests" might be replaced by a somewhat stronger term in order to make it clear that the reply was required in writing.

55. The CHAIRPERSON pointed out that the reporting procedure had changed as it had developed. In the early stages, the Committee had requested oral replies to the list of issues but had subsequently expressed a preference to receive them in writing. Currently, a considerable part of the discussion within the Committee was based on the written replies by the State party concerned to the list of issues. However, the replies were not received in time to be translated and issued as documents, which somewhat hampered discussions.

56. Mrs. SANTOS PAIS emphasized the usefulness of receiving such replies in writing. In practice, the State party was given sufficient time to prepare a written reply; consequently, the request referred to in paragraph 12 did not seem too demanding.

57. The CHAIRPERSON said there appeared to be general agreement that the approach referred to should be continued, even though there might be slightly differing views on the language used. The word "request" was in any event relatively forceful.

58. Paragraphs 12 and 13 were approved.

59. The CHAIRPERSON invited the Committee to consider the second part of section B of the text, which read:

"Presentation of the report

"14. The State party report will be discussed in open and public meetings of the Committee. Normally, only the State representatives and Committee members speak on these occasions. Relevant United Nations bodies and agencies are represented. Notes are taken for the summary records and the United Nations Department of Public Information is invited to cover the proceedings for the purpose of their press releases. Other journalists are free to attend, as well as representatives of non-governmental organizations and any interested individual from the public.

15. With the factual situation largely clarified in writing, there should be room in the discussions to analyse 'progress achieved' and 'factors and difficulties encountered' in the implementation of the Convention. As the purpose of the whole process is constructive, sufficient time should be given to discussions about 'implementation priorities' and 'future goals'. For these reasons the Committee welcomes the State party to be represented by a delegation with concrete involvement in strategic decisions relating to the rights of the child. When delegations are headed by someone with governmental responsibility, the discussions are likely to be more fruitful and have more impact on continued implementation activities.

16. After a brief introduction of the report, the State delegation is asked to provide information on subjects covered by the list of issues, starting with the first section of the guidelines, i.e. 'General measures of implementation'. Then the dialogue starts. Committee members may want to ask further questions or make comments on the written or oral answers, and the delegation may respond. The discussion moves step-by-step through the next groups of issues as structured by the guidelines.

17. States parties which have made reservations to the Convention may be asked about the implication of that position in light of article 51 of the Convention, which in paragraph 2 stipulates that reservations incompatible with the object and purpose of the Convention shall not be permitted. Another point of reference is the recommendation by the 1993 World Conference on Human Rights that reservations should be formulated as precisely and narrowly as possible and that States should regularly review any reservations with a view to withdrawing them.

18. Towards the end of the discussion, Committee members summarize their observations on the report and the discussion itself, and may also give preliminary suggestions. Lastly, the State delegation is invited to make a final statement. Afterwards the Committee will, in a closed meeting, agree on written 'Concluding observations' which would include suggestions and recommendations. If it is deemed that the information submitted is insufficient or that there is a need to further clarify a number of issues, and it is agreed that the discussion about the report should continue at a later session, the observations will be preliminary and the State party will be informed accordingly.

19. The 'Concluding observations' usually contain the following aspects: introduction of a general nature; positive aspects (including progress achieved); factors and difficulties impeding implementation; principal subjects for concern; suggestions and recommendations addressed to the State party. The 'Preliminary observations' usually have a similar structure but it is made clear that they are not final.

20. The Committee may in its observations request additional information from the State party - in accordance with article 44.4 of the Convention. A deadline for submission of such written information will be determined.

21. The 'Concluding observations' are made public on the last day of a Committee session during the adoption of the Committee session report, of which they form a part. Once adopted, they are made available to the States parties concerned, and further issued as official documents of the Committee. The Committee reports are submitted to the United Nations General Assembly, through the Economic and Social Council, every two years in accordance with article 44.5 of the Convention.

22. In the spirit of article 44.6, it is important that the 'Concluding observations' are made widely available in the country of the State party concerned. If it so wishes, the State party might address any of the observations in the context of any additional information that it provides to the Committee."

Paragraph 14

60. Paragraph 14 was approved.

Paragraph 15

61. Mrs. SANTOS PAIS, referring to the final sentence, stressed the importance of discussions being not only fruitful but wide-ranging.

62. Mgr. BAMBAREN GASTELUMENDI suggested that the words "discussions are likely to be more fruitful" should be replaced by "discussions are more fruitful".

63. The CHAIRPERSON said that the Committee should bear in mind, on the one hand, the freedom of a Government to appoint the representation it considered appropriate and, on the other, the right of the Committee to explain what type of discussion it would like to take place. He suggested that further consideration of paragraph 15 should be deferred.

64. It was so agreed.

Paragraph 16

65. Paragraph 16 was approved.

Paragraph 17

66. The CHAIRPERSON raised the question whether declarations should be mentioned in addition to reservations.

67. Mrs. SANTOS PAIS considered that it would be sufficient to interpret "reservations" in a broad sense.

68. Paragraph 17 was approved.

Paragraph 18

69. Miss MASON suggested that the word "would" should be deleted from the third sentence of the paragraph.

70. Mrs. SANTOS PAIS, referring to the first sentence of the paragraph, suggested that the word "preliminary" should be deleted.

71. Paragraph 18, as amended, was approved.

Paragraph 19

72. Miss MASON suggested the deletion of the terms "usually" and "of a general nature" from the first sentence of paragraph 19.

73. Mrs. SANTOS PAIS said that she had no objection to "usually" as it implied greater flexibility.

74. The CHAIRPERSON proposed that "usually" should be retained and "of a general nature" deleted.

75. Paragraph 19, as amended, was approved.

Paragraph 20

76. Mgr. BAMBAREN GASTELUMENDI said that in view of the content of paragraphs 20 and 24 he wished to withdraw his comment concerning paragraph 6.

77. Miss MASON suggested that the wording of paragraph 20 should be amplified to explain in what circumstances additional information might be requested.

78. The CHAIRPERSON cautioned against any amplification which might have a punitive ring to it. Additional information might be requested not only because the Committee was not satisfied with information already received, but also, for example, because of recent events in the country concerned.

79. Mrs. SANTOS PAIS suggested adding wording to the effect that an additional report or information might be requested "in order to enable the Committee to have a comprehensive understanding of the information".

80. Miss MASON suggested that either reference should be made to article 44 as a whole in order to cover any request for an additional report or information, or the reference to article 44 of the Convention should be deleted altogether.

81. The CHAIRPERSON proposed that Miss Mason and Mrs. Santos Pais should prepare a draft amendment and that further consideration of paragraph 20 should be deferred.

82. It was so agreed.

Paragraph 21

83. Mr. KOLOSOV suggested that in paragraph 21, the words "for its consideration" should be inserted after "United Nations General Assembly, through the Economic and Social Council."

84. Miss MASON suggested that "in accordance with article 44.5 of the Convention" should be placed at the beginning and not the end of that sentence.

85. Paragraph 21, as amended was approved.

Paragraph 22

86. Paragraph 22 was approved.

87. The CHAIRPERSON invited the Committee to consider section C of the text, which read:

"C. Procedures for follow-up action

23. It is assumed that concerns expressed by the Committee in its 'Concluding observations' will be addressed in a detailed manner by the State party in the next report, in principle due in five years' time. The Committee may mention in its observations some specific issues on which it is particularly interested to receive detailed information.

24. In cases when the Committee has asked for additional information in accordance with article 44.4 - i.e. more urgently such submitted information will be on the agenda at a future session. The State party is always welcome to be represented at such discussions; the Committee will especially invite such participation when particularly relevant.

25. When the discussion of a State report ends with 'Preliminary observations' by the Committee, the dialogue will continue at one of the future sessions. The 'Preliminary observations' outline the issues to be discussed at the next stage and specify what further information the Committee requests in advance and in writing.

26. The Committee may, in accordance with article 45 (b), approach relevant agencies and bodies, including the Centre for Human Rights, with suggestions about technical advice and assistance to the State. This refers to needs in relation both to the reporting process and to implementation programmes.

27. States can request support from the Technical Assistance and Advisory Services Programme within the Centre for Human Rights. Such requests could concern reviews required for the ratification or accession and preparation of the report, as well as training seminars and other activities in order to make the principles and provisions of the Convention known and incorporated into national legislation and action plans.

28. The 'Concluding observations' of the Committee are disseminated to all relevant United Nations bodies and agencies as well as other competent bodies and might serve as a basis for discussions on international cooperation. The Committee may also, in its observations, make particular reference to the need of such cooperation."

Paragraph 23

88. Miss MASON proposed that the words "in principle" should be deleted as they might imply too much flexibility on the part of the Committee.

89. The CHAIRPERSON said it should also be made clear that the five-year time-limit for submission of the next report meant five years from the date on which the initial report had been due.

90. Paragraph 23 as amended, was approved.

Paragraph 24

91. The CHAIRPERSON noted that the paragraph seemed to have been wrongly transcribed.

92. Miss MASON observed that the phrase "- i.e. more urgently" and the word "submitted" should be deleted.

93. Mr. KOLOSOV suggested that the Committee might consider the possibility of combining paragraphs 20 and 24. Both paragraphs referred to additional information, with paragraph 20 providing for a deadline for the submission of such information and paragraph 24 referring to the possibility of the State party being represented at a future session. He would prefer to delete paragraph 20 altogether and modify paragraph 24 by including the reference to a deadline, while retaining the possibility of States parties becoming active participants at the future session.

94. The CHAIRPERSON said that paragraph 20 referred to the last stage of presentation of the report and paragraph 24 to follow-up action. The Committee might consider merging the two paragraphs but it should not lose sight of the type of information required.

95. Mr. KOLOSOV said it was not clear whether the observations referred to in paragraph 20 were concluding or preliminary. He felt it should be made clear that they were concluding observations.

96. The CHAIRPERSON said that in his view, the observations mentioned in paragraph 20 were both preliminary and concluding. More work was clearly necessary on both paragraphs. He noted that paragraph 24 had been intended to refer to cases in which information was requested outside the reporting context. He proposed that paragraphs 20 and 24 should be left pending.

97. It was so agreed.

Paragraph 25

98. Paragraph 25 was approved.

Paragraph 26

99. Mrs. EUFEMIO asked whether the word "approach" in paragraph 26 meant that the Committee would intercede with the Centre for Human Rights or that it would simply suggest that the State party should request assistance from the Centre.

100. The CHAIRPERSON suggested that the words "indicate to" should be used instead. Alternatively it might be left to the secretariat to find an appropriate wording.

101. Miss MASON suggested that the wording of article 45 (d) of the Convention should be used as a starting-point.

102. On that understanding, paragraph 26 was approved.

Paragraph 27

103. Mgr. BAMBAREN GASTELUMENDI said, with reference to paragraph 27, that there had been cases in which countries had offered the Committee the services of national experts. The paragraph could perhaps refer to the Committee's powers to take such offers into account.

104. The CHAIRPERSON said he had, on occasion, felt that the Committee could benefit from the cooperation of individual experts. By indicating what was needed, the Committee could help national development agencies understand what its priorities were. Perhaps the question could be resolved by using the language of the Convention.

105. Miss MASON pointed out that paragraph 28 referred to the need for international cooperation. She suggested that paragraph 27 should be left unchanged and the point clarified in paragraph 28.

106. Paragraph 27 was approved.

Paragraph 28

107. The CHAIRPERSON proposed that the words "and possibilities" should be inserted after "need" in paragraph 28.

108. Paragraph 28, as amended, was approved.

109. The CHAIRPERSON invited the Committee to consider the section D of the text, which read:

> "D. Procedure in relation to overdue reports
>
> 29. The Convention makes reporting in time an obligation in itself. The Committee emphasizes the importance of timely reports.
>
> 30. Records are kept on the submission of reports specifying which ones are overdue. The Commission issues regular reminders to such States.
>
> 31. With such communications, information is also given about the possibility for States to request technical assistance and advisory services from the United Nations Centre for Human Rights.

32. In a case of persistent non-reporting by a State party, the Committee may consider analysing the situation in the country in the absence of the State report, but on the basis of all available information. The State party will be notified about such a decision in advance of the event."

Paragraphs 29-32

110. The CHAIRPERSON said that paragraph 32 used the wording adopted by the Committee on Economic, Social and Cultural Rights. Such a situation had not yet arisen in the Committee on the Rights of the Child, but it seemed advisable to make provision for it. That had been one of the conclusions of the meeting of Chairpersons of the treaty-monitoring bodies.

111. Paragraphs 29-32 were approved.

112. The CHAIRPERSON observed that a number of paragraphs had been left pending. He suggested that the secretariat and the working group should try to have a new version ready for the following week.

113. Mqr. BAMBAREN GASTELUMENDI asked whether there should be a reference somewhere in the overview to informal meetings.

114. The CHAIRPERSON said that informal meetings might be outside the context of reporting procedures. It would be useful to check whether there was any reference to them in the provisional rules of procedure. It was his impression that the status of informal meetings was deliberately left unclear.

115. Mrs. EUFEMIO said that a procedure had been discussed informally whereby one or two members of the Committee might visit a State which had persistently failed to report and find out on the spot what was going on.

116. The CHAIRPERSON said that in earlier versions of the overview of reporting procedures there had been a reference to the possibility of individual members visiting countries on behalf of the Committee. The general reaction had been that that was a very sensitive point and that it would be wiser not to refer to it in the overview. It had therefore been deleted. He personally had felt that it was a most interesting possibility and could be of great value to the Committee's discussions. The conclusion had been, however, that the overview should include only procedures which had become established and whose consequences had been thoroughly deliberated.

117. Mr. KOLOSOV said that rule 63 of the provisional rules of procedure could be interpreted as providing for that method of work. Its paragraph 1 referred specifically to the setting-up of ad hoc subsidiary bodies.

118. Mqr. BAMBAREN GASTELUMENDI said that, since informal visits by members of the Committee were not always connected with State reports, it might be wiser not to refer to them in the overview.

119. The CHAIRPERSON said that the discussion of the overview of reporting procedures should be regarded as closed for the time being. Further work would be done on the text and a final draft submitted for adoption the following week.

Reporting guidelines with a commentary

120. The CHAIRPERSON suggested that the Committee should proceed to consider the commentary on the reporting guidelines, contained in the draft entitled "Reporting guidelines with a commentary", which had been circulated. How should the question be dealt with at the current session?

121. Mrs. EUFEMIO suggested that each member might select a section of the guidelines for review and submit his remarks to the plenary Committee. Such an approach would make it possible to produce a more comprehensive document.

122. Miss MASON disagreed. In her view, the Committee should schedule two meetings at the current session to revise and complete the document promptly.

123. Mr. KOLOSOV said that members of the Committee had already been asked on more than one occasion to contribute to that text; as an international lawyer, he deemed it acceptable as it stood. If any member strongly wished to propose any amendments, he could submit his specific ideas to the Committee.

124. The CHAIRPERSON said that a decision must be taken at the current meeting on how to proceed with that text. It might be useful to consider the purpose of the commentary, since there were other similar documents under preparation also designed to assist Governments and experts in their interpretation of the Convention: the travaux, soon to be printed and distributed, and the commentary currently being drafted by Mr. Alston, Chairman of the Committee on Economic, Social and Cultural Rights, and his advisory team, which would probably not be available until the following year. The Committee had also discussed the related idea of drafting general comments. Governments, as the country reports considered by the Committee had certainly shown, did not fully understand the reporting Guidelines, and they could not know what kind of questions the Committee generally asked until they received the list of issues. The purpose of the commentary was to offer such information to Governments. However, there were arguments against that approach. First, the Committee ran the risk that States would consider such a list of issues as final and not consider themselves obliged to reply to others. Secondly, procedure should not be altered in mid-stream. The Committee should give fair and equal treatment to all States parties, and 30 reports had already been considered.

125. Miss MASON said that, in her view, that text must be concluded promptly. The objective of the "Reporting guidelines with a commentary" was simply to reduce the workload of the Committee by providing States parties with information on the kind of issues the Committee was likely to raise. Reports would thus be more comprehensive from the outset, and the number of issues raised in response to the report would decrease. By that means, a report might even be concluded in the course of a single meeting. Furthermore, while the work of Mr. Alston and his team was necessarily of a theoretical nature, a

commentary produced by the Committee would draw on the practical experience of its members in the consideration of country reports. They were thus documents of a very different nature.

126. Mrs. EUFEMIO said that any arguments against the use of a commentary could be presented and countered in its opening remarks. A more substantial and comprehensive document should be produced, incorporating the list of issues. Although she had submitted her proposals for revisions to that text, in the light of new experience she had others to add.

127. The CHAIRPERSON said that, with some minor editing, the checklist of issues might be sent out with a covering letter explaining its nature. It would be not an official document but an internal working paper. In order to avoid the problem of its adoption by the full Committee, it could be published in the name of a working group of the Committee. He suggested that a working group should be appointed to formulate a proposal.

128. Mrs. SANTOS PAIS proposed that the Committee should agree on the priority nature of the commentary and appoint a working group to proceed with it. A list should be drawn up of areas in which the Committee was particularly interested in understanding the ways in which a State party was interpreting its obligation to guarantee a right, and of the ways in which it was complying with a provision or principle of the Convention. While Mr. Alston's task was to develop an in-depth interpretation of the Convention, which included the question of its implications for other international norms, the Committee's Commentary should simply offer examples of the sort of issues that it generally raised.

129. Mr. KOLOSOV said that, in his view, the Committee could deal successfully with the text in plenary meeting. Only those questions that were broadly applicable to the reporting guidelines should be included.

130. The CHAIRPERSON agreed that issues of a general and not specific nature should be included. It would not be feasible, however, to deal with the text in plenary meeting. A working group should be formed to study the various options, including matters of both procedure and substance.

131. Miss MASON suggested that Mrs. Santos Pais, Mr. Kolosov and Mrs. Eufemio should constitute the working group. A deadline should be set and an agenda item designated for the following session.

132. Mrs. SANTOS PAIS said she regretted that her schedule would probably not permit her to join the working group. She proposed that the working group on the commentary should meet at the same time as the pre-session working group.

133. Miss MASON said that she was willing to take part in that working group if Mrs. Santos Pais could not attend.

134. The CHAIPPERSON said that a consensus seemed to have emerged. First, the "Reporting guidelines with a commentary" was a priority item. Secondly, that question would be placed on the agenda for the January session. Thirdly, a small working group would be formed to address the question, composed of

Mrs. Eufemio, Mr. Kolosov and Mrs. Santos Pais, with Miss Mason as an alternate. It should also be made clear that the group would be free to meet concurrently with the pre-session working group.

135. If there was no objection, he would take it that the Committee wished to proceed on that basis.

136. It was so decided.

International work for the rights of the child; goals and strategies 1994-1995 and up to year 2000

137. The CHAIRPERSON, turning to the question of the goals of the Committee, drew attention to a document entitled "International work for the rights of the child; goals and strategies 1994-1995 and up to year 2000" which he had drafted. It represented an effort to envisage the Committee's future. He offered to revise the draft, incorporating the comments of members in time for the January 1995 session. It could then be submitted to the Committee as newly constituted in May.

138. The document also addressed the problem of the workload. It was essential to stress that any procedure instituted to reduce it must not undermine the quality of the Committee's work. He invited the members of the Committee to comment.

139. Mrs. SANTOS PAIS said that, since the meeting of the States parties was soon to make a decision on whether the Committee should have a third annual session, it would be preferable to know that decision before considering the use of time. She wholeheartedly agreed that the quality of work must not be undermined. In her view, the presence of all the members of the Committee was necessary in the consideration of country reports. By coincidence, all were experts in different areas, and their diversity had contributed to the success of the Committee's work. She did not agree that the Committee should be enlarged; in any case, the amendment procedure for taking such a step was arduous and the final decision was in the hands of the States parties.

140. The CHAIRPERSON agreed with Mrs. Santos Pais. He suggested that the Committee should schedule an all-day meeting for one Saturday in January to tackle the problem in a thorough manner.

141. If there was no objection, he would take it that the Committee wished to proceed on that basis.

142. It was so decided.

The meeting rose at 1.05 p.m.